

# EXHIBIT L

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

EPIC GAMES, INC.,  
Plaintiff,  
Counter-defendant,

vs.

Case No. 4:20-cv-05640  
YGR

APPLE INC.,  
  
Defendant,  
Counterclaimant.

-----  
IN RE APPLE IPHONE  
ANTITRUST LITIGATION

Case No. 4:11-cv-06714  
YGR

-----  
(caption cont'd)

**\*\*HIGHLY CONFIDENTIAL\*\***

ZOOM DEPOSITION OF DAVID S. EVANS, Ph.D.  
(Reported Remotely via Video & Web Videoconference)  
Marblehead, Massachusetts (Deponent's location)  
Thursday, April 1, 2021  
Volume II

1 DONALD R. CAMERON, et al.,

2 Plaintiffs,

3 vs.

Case No. 4:19-cv-03074

YGR

4 APPLE INC.,

5 Defendant.

---

6  
7  
8  
9  
10 \*\*HIGHLY CONFIDENTIAL\*\*

11 ZOOM DEPOSITION OF DAVID S. EVANS, Ph.D.

12 (Reported Remotely via Video & Web Videoconference)

13 Marblehead, Massachusetts (Deponent's location)

14 Thursday, April 1, 2021

15 Volume II  
16  
17  
18  
19  
20

STENOGRAPHICALLY REPORTED BY:

21 REBECCA L. ROMANO, RPR, CSR, CCR

California CSR No. 12546

22 Nevada CCR No. 827

Oregon CSR No. 20-0466

23 Washington CCR No. 3491

24 JOB NO. 4522262

25 PAGES 285 - 557

Page 286

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

EPIC GAMES, INC.,  
Plaintiff,  
Counter-defendant,

vs.

Case No. 4:20-cv-05640  
YGR

APPLE INC.,  
  
Defendant,  
Counterclaimant.

---

IN RE APPLE IPHONE  
ANTITRUST LITIGATION

---

Case No. 4:11-cv-06714  
YGR

(caption cont'd)

1 DONALD R. CAMERON, et al.,

2 Plaintiffs,

3 vs.

Case No. 4:19-cv-03074

YGR

4 APPLE INC.,

5 Defendant.

---

6  
7  
8  
9  
10 ZOOM DEPOSITION OF DAVID S. EVANS, Ph.D.,  
11 taken on behalf of the Defendant/Counterclaimant,  
12 with the deponent located in Marblehead,  
13 Massachusetts, commencing at 9:07 a.m., Thursday,  
14 April 1, 2021, remotely reported via video & web  
15 videoconference before REBECCA L. ROMANO, a  
16 Registered Professional Reporter, Certified  
17 Shorthand Reporter, Certified Court Reporter.  
18  
19  
20  
21  
22  
23  
24  
25

APPEARANCES OF COUNSEL

(All parties appearing via web videoconference)

For the Plaintiff/Counter-Defendant - Epic Games,  
Inc.:

CRAVATH, SWAINE & MOORE LLP

BY: PETER T. BARBUR

BY: MICHAEL C. GRANT

BY: JILL E. GREENFIELD

BY: DANIEL L. OTTAUNICK

Attorneys at Law

825 Eighth Avenue

New York, New York 10019

(212) 474-1000

pbarbur@cravath.com

mgrant@cravath.com

jgreenfield@cravath.com

dottaunick@cravath.com

/////

1 APPEARANCES OF COUNSEL(cont'd)  
2 (All parties appearing via web videoconference)  
3  
4 For the Interim Class Counsel for the Developer  
5 Plaintiffs:

6 HAGENS BERMAN SOBOL SHAPIRO LLP  
7 BY: BEN HARRINGTON  
8 Attorney at Law  
9 715 Hearst Avenue  
10 Suite 202  
11 Berkeley, California 94710  
12 (510) 725-3000  
13 benh@hbsslaw.com  
14

15 For the Defendant/Counterclaimant - Apple Inc.:  
16 GIBSON, DUNN & CRUTCHER LLP  
17 BY: DANIEL G. SWANSON  
18 BY: JASON LO  
19 Attorney at Law  
20 333 South Grand Avenue  
21 Los Angeles, California 90071-3197  
22 (213) 229-7430  
23 dswanson@gibsondunn.com  
24 jo@gibsondunn.com  
25 /////

APPEARANCES OF COUNSEL(cont'd)

(All parties appearing via web videoconference)

For the Defendant/Counterclaimant - Apple Inc.:

GIBSON, DUNN & CRUTCHER LLP

BY: JULIAN WOLFE KLEINBRODT

BY: WARREN LEOGERING

Attorneys at Law

555 Mission Street

Suite 3000

San Francisco, California 94105-0921

(415) 393-8382

jkleinbrodt@gibsondunn.com

wloegering@gibsondunn.com

- and -

BY: HARRY R. S. PHILLIPS

Attorney at Law

1050 Connecticut Avenue, N.W.

Washington, DC 20036-5306

(202) 887-3706

hphillips2@gibsondunn.com

/////



APPEARANCES OF COUNSEL(cont'd)

(All parties appearing via web videoconference)

For the Defendant/Counterclaimant - Apple Inc.:

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

BY: WILLIAM A. ISAACSON

Attorney at Law

2001 K Street, NW

Washington, DC 20006-1047

(202) 223-7308

wisaacson@paulweiss.com

/////

APPEARANCES OF COUNSEL(cont'd)

(All parties appearing via web videoconference)

ALSO PRESENT:

Deborah Alvino, Videographer

Howard H. Chang, Global Economics Group

Nicholas Giancarlo, Global Economics Group

Daniel Grbich, Concierge Technician

Vandy M. Howell, Cornerstone Research

Steven Joyce, Global Economics Group

Noreen Krall, Vice President, Chief Compliance

Officer

Scott B. Murray, Director, Commercial

Litigation at Apple

Jim Ratliff, Compass Lexecon

R. Craig Romaine, Charles River Associates

Samuel Waglein, Analysis Group

Kristof Zetenyi, Analysis Group

/////

I N D E X

DEPONENT	EXAMINATION
DR. DAVID S. EVANS	PAGE
VOLUME II	

BY MR. SWANSON	296
----------------	-----

E X H I B I T S

NUMBER		PAGE
--------	--	------

DESCRIPTION

Exhibit 608	Apple Inc. Line of Business Report-iPhone, Bates APL_APPSTORE_08856866.xlsx;	407
-------------	--	-----

Exhibit 609	Errata to Evans Opening Report and Rebuttal Report March 27, 2021.	530
-------------	--	-----

/////

1 legal video specialist and notary. The 09:08:10  
2 court reporter is Rebecca Romano, with  
3 Veritext Legal Solutions.

4 I am not related to any party in this  
5 action, nor am I financially interested in the 09:08:20  
6 outcome.

7 The witness was previously sworn. We may  
8 proceed.

9  
10 DAVID S. EVANS, Ph.D., 09:08:27  
11 having been previously administered an oath, was  
12 examined and testified as follows:

13  
14 EXAMINATION(resumed)

15 BY MR. SWANSON: 09:08:27

16 Q. Good morning, Dr. Evans.

17 A. Good morning, Mr. Swanson.

18 Q. As the court reporter [sic] just noted,  
19 you are still under oath.

20 You understand that? 09:08:38

21 A. I do.

22 Q. All right. I would like you to turn, if  
23 you would, to paragraph 327 of your rebuttal  
24 report, which is Exhibit 607.

25 A. Paragraph 327 on page 147; is that 09:09:11

Page 296

1 interpretation and all sorts of things, but I 05:14:29  
2 haven't seen any indication that his results or my  
3 results are -- are affected by -- by these -- these  
4 data-related issues.

5 Q. Are you aware -- 05:14:46

6 A. I -- I don't -- I don't want to suggest  
7 that there -- that the data are perfect because  
8 they're -- they're not. There -- there are some  
9 discrepancies here and there, but -- I mean, that's  
10 also not -- that's also not a surprising thing 05:14:58  
11 with -- with -- with these kind of data.

12 Q. Are -- are you aware that Epic twice  
13 reproduced the backup for certain analysis in your  
14 rebuttal -- rebuttal report?

15 A. I don't recall. 05:15:16

16 Q. You have no understanding of why that was  
17 done?

18 A. Not as I sit here today. I'm sure at  
19 some point I did, but I -- I don't now.

20 Q. You don't recall that certain errors in 05:15:28  
21 the code for regression analyses that you undertook  
22 in your rebuttal report needed to be corrected  
23 leading to a need to reproduce?

24 A. Yeah. I don't know if there are any  
25 errors as opposed to incomplete explanations or 05:15:48

Page 540

25	Q. Dr. -- Dr. Evans, is the iOS app	05:17:12
----	-------------------------------------	----------

1 I, Rebecca L. Romano, a Registered  
2 Professional Reporter, Certified Shorthand  
3 Reporter, Certified Court Reporter, do hereby  
4 certify:

5 That the foregoing proceedings were taken  
6 before me remotely at the time and place herein set  
7 forth; that any deponents in the foregoing  
8 proceedings, prior to testifying, were administered  
9 an oath; that a record of the proceedings was made  
10 by me using machine shorthand which was thereafter  
11 transcribed under my direction; that the foregoing  
12 transcript is true record of the testimony given.

13 Further, that if the foregoing pertains to the  
14 original transcript of a deposition in a Federal  
15 Case, before completion of the proceedings, review  
16 of the transcript [ ] was [X] was not requested.

17 I further certify I am neither financially  
18 interested in the action nor a relative or employee  
19 of any attorney or any party to this action.

20 IN WITNESS WHEREOF, I have this date  
21 subscribed my name.

Dated: April 2, 2021

22  
23   
24

Rebecca L. Romano, RPR, CCR

25 CSR. No 12546